

MEMORANDUM

MEMO ENDORSED

(see p. 2)



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THE CITY OF NEW YORK
LAW DEPARTMENT

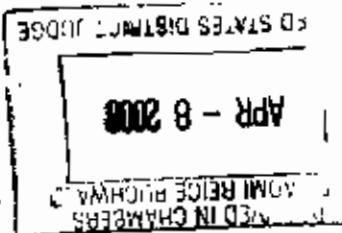
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April 8, 2008

VIA FAX (212) 805-7927

The Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York



Re: O'Neil Edward v. City of New York, et al.,
07 CV 8390

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the above-referenced matter. I write to respectfully request an enlargement of time to conduct discovery in the above case for the reasons set forth herein. Plaintiff's counsel Nicole Bellina, Esq. consents to this request.

As way of background, plaintiff filed a civil rights complaint alleging that New York City Department of Correction Officers deliberately failed to protect plaintiff while he was being transported from the Bronx State Court to Rikers Island. As a result, plaintiff was purportedly attacked by another inmate resulting in the plaintiff sustaining injuries. Your Honor held an initial conference on February 5, 2008, at which time a discovery deadline of May 6, 2008 was set. Subsequent to the initial conference, plaintiff filed a second amended complaint and added an additional officer, C.O. Maldonado, to the instant action. Furthermore, to date the parties have exchanged interrogatories and a significant amount of documents, however, for the reasons set forth below, the parties request that discovery be extended to July 31, 2008.

As an initial matter, plaintiff states that C.O. Maldonado was served via waiver of service, however, to date C.O. Maldonado has not requested representation from this office. Accordingly, it is unclear whether C.O. Maldonado has been served in this action. Both parties are in the process of rectifying this issue, and once C.O. Maldonado is served, defendants will promptly answer of his behalf. Furthermore, plaintiff provided this office with a series of medical releases after the initial conference, which were processed, however, defendants are still awaiting a response from the medical providers. Defendants are entitled to have all of plaintiff's medical records before conducting plaintiff's deposition, in order to fully develop plaintiff's claim for physical and emotional damages. Defendants hope to have a

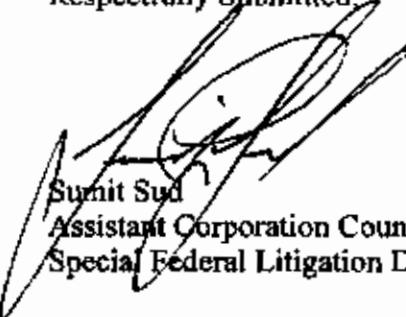
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complete set of plaintiff's medical records within thirty days. Finally, additional time will allow the parties to exchange the necessary medical documents which will allow each to fully assess their case and be in a better position to negotiate a possible settlement of this matter. Plaintiff has provided this office with a demand, which defendants are in the process of assessing, and with the aid of additional documents, will be in a better position to respond.

Accordingly, the parties respectfully request the discovery deadline, which is currently scheduled to end on May 6, 2008, to be extended to July 31, 2008. Thank you for your consideration of this request.

Final
extension

Respectfully Submitted,


Sumit Sud
Assistant Corporation Counsel
Special Federal Litigation Division

So Agreed.
Linda R. Sweeney
4/9/08

cc: Nicole Bellina, Esq.
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